



MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT
DEPARTMENT OF CROP PRODUCTION

PLANT PROTECTION IN VIETNAM

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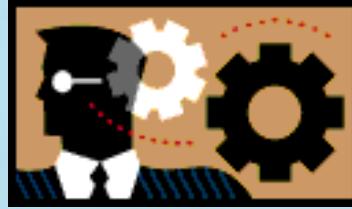
MAIN CONTENT

- HISTORY OF PVP
- ACHIEVEMENT
- ENFORCEMENT



- **PART 1: HISTORY OF PVP**

- ✓ Operating the system under UPOV Convention
- ✓ Exploit the benefits of the system



Implementing PVP System under UPOV Convention

2007-NOW

- ✓ Organizations to implement: PVPO/DUS Test Office
- ✓ Drafting Legislation Document (Law, Decree...)

Establishing National PVP system and Preparations to join UPOV



2000-2006

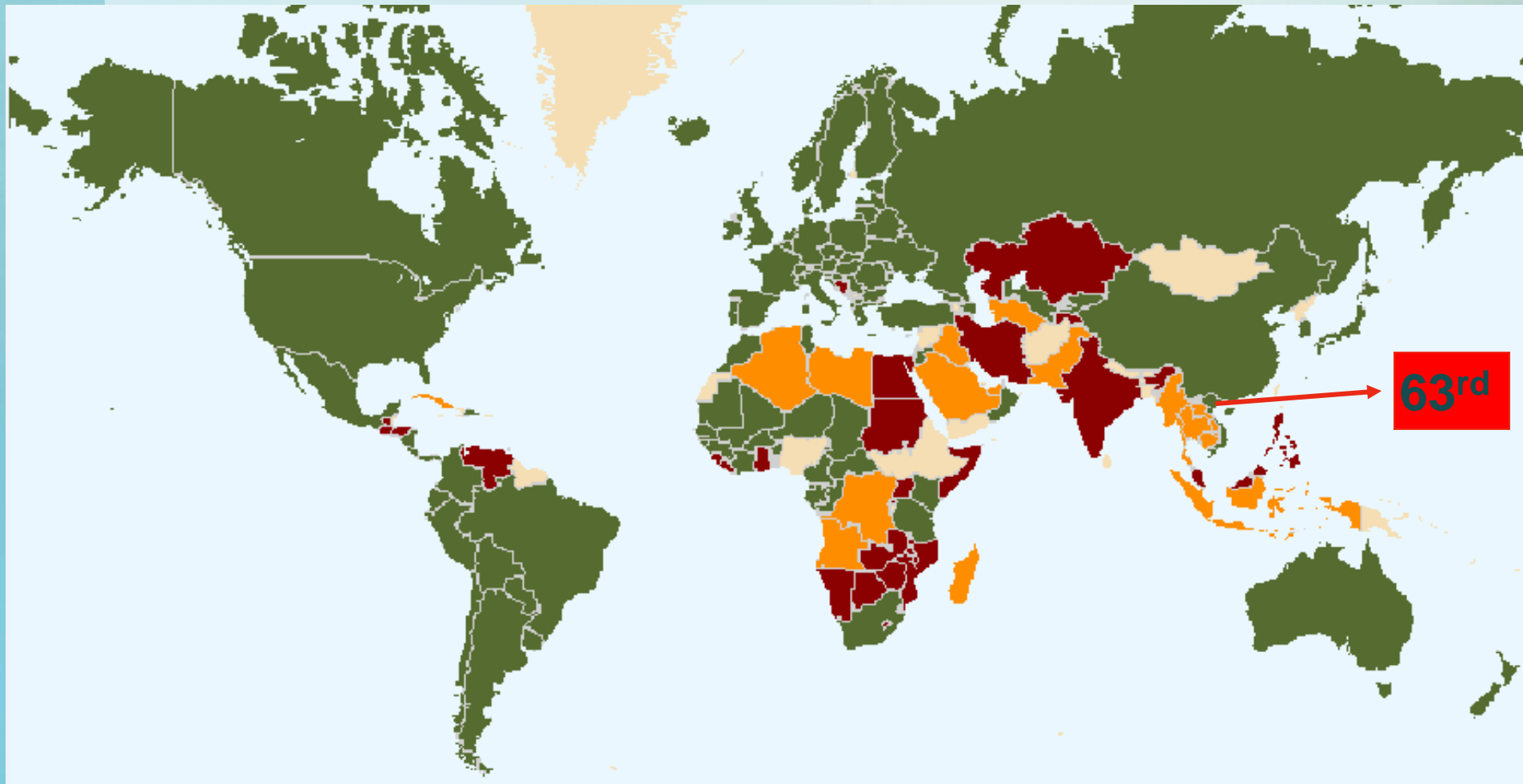
Study the real conception of PVP

1995-2000

- ✓ Dispatching staffs to Overseas
- ✓ Invite Experts from experienced countries and UPOV
- ✓ Seminars/Workshops on PVP for relevant persons



Member of UPOV (24th Dec, 2006)



Members of UPOV (74)

Initiating States (15) and Organization (1)

States (23) and Organization (1) in contact with the UPOV Office

Legislation on PVP

**IP Law No 50 (2006);
Law on revisionment of some
Article of IP No 50 (2009); Consolidated Laws (2020);
Revising IP Law (2021-2022)
(Based on 1991 Acts, UPOV)**

**Seed Ordinance
(Chapter 4 on PVP)**

**Decree No 13 on
PVP**

Decree 88

Decree 105

Circular 16

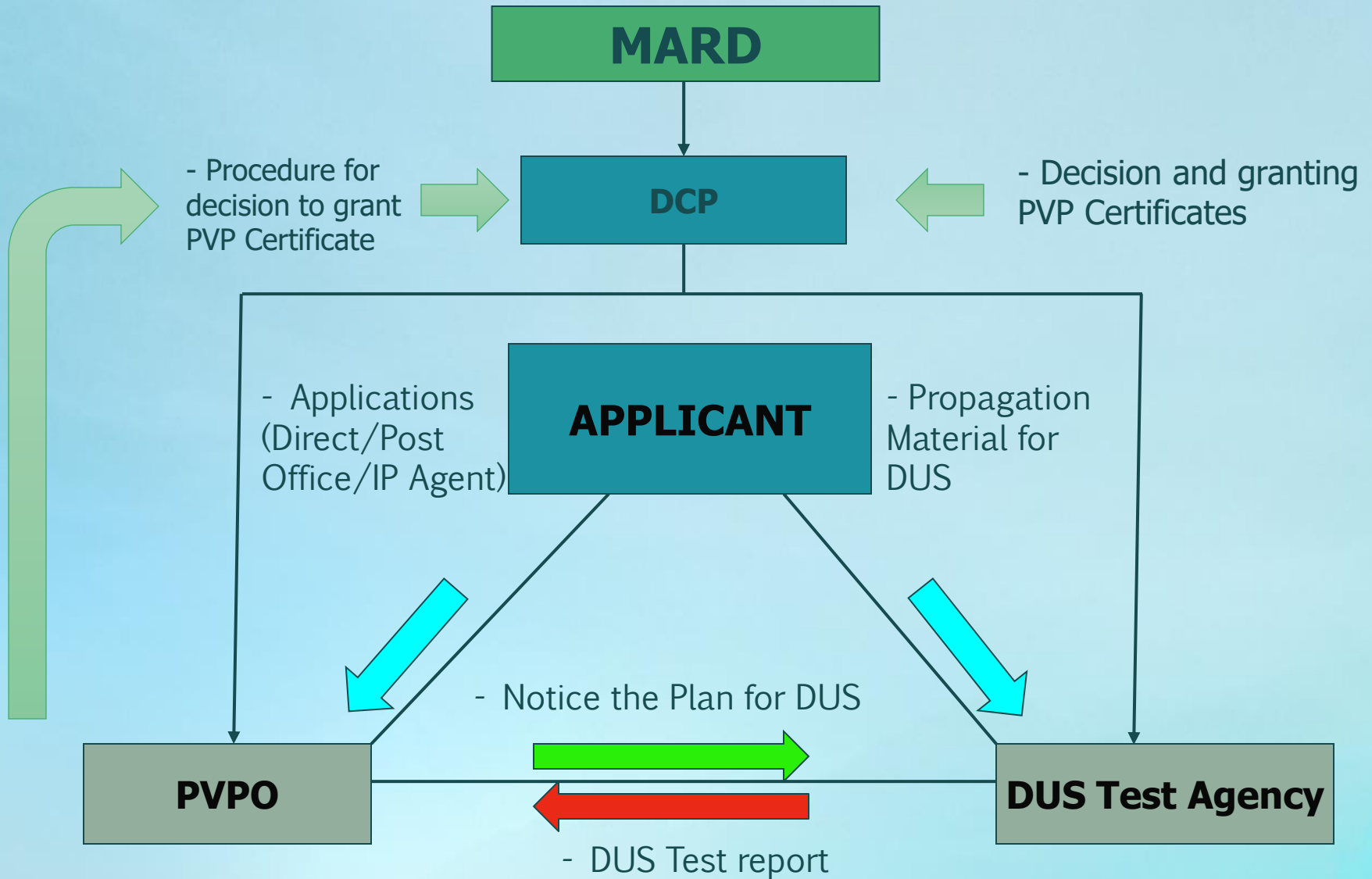
**Circular 03 revisionment
of some Article of
Circular 16**

2001

2004

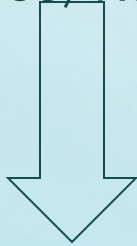
2005

PVP's Organization



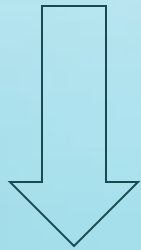
Procedures for PVP Certificate

Filing Application: Direct/Post Office/Representative



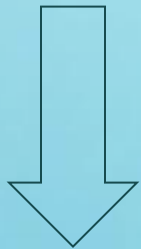
- Dossier (Application and TQ – Vietnamese; Photos; fee receipt)
- Filing fee (2.000.000VNĐ)
- Others (If possible)

Publicity (Validity)



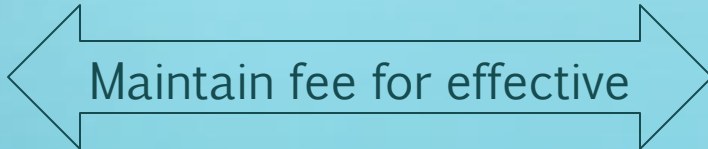
- Technical Examination (DUS Test)
- Fee for DUS Test (Rice: 24 Million; Maize: 15; Peanut: 18; Soybean: 16)
- Examining of DUS Test report

Decision for granting



- Publicizing the decision (30 days)
- Treatment of third opinion (if there is)

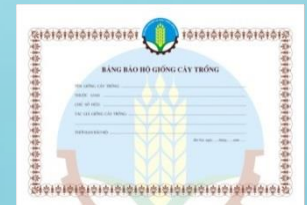
Granting



Maintain fee for effective

Exploit of the PBR

PVP Certificate



Fees for PVP (TT207/2016)

Filing (Million VND)	For DUS - 1 Var./1Appli (Million VND)	Maintaining of Certificate (Million VND)
2	<ul style="list-style-type: none"> ✓ Rice: 24; Maize: 15 ✓ Peanut: 18; ✓ Soybean: 16 ✓ Others: by negotiation 	<ul style="list-style-type: none"> ✓ The years from 1 – 3: 3 ✓ The years from 4 – 6: 5 ✓ The years from 7 – 9: 7 ✓ The years from 10 – 15: 10 ✓ From 16th to finish: 20

* *Way of payment.*

- ✓ First year: when receive Certificate
- ✓ From second year: First month of the year for effective of Certificated.

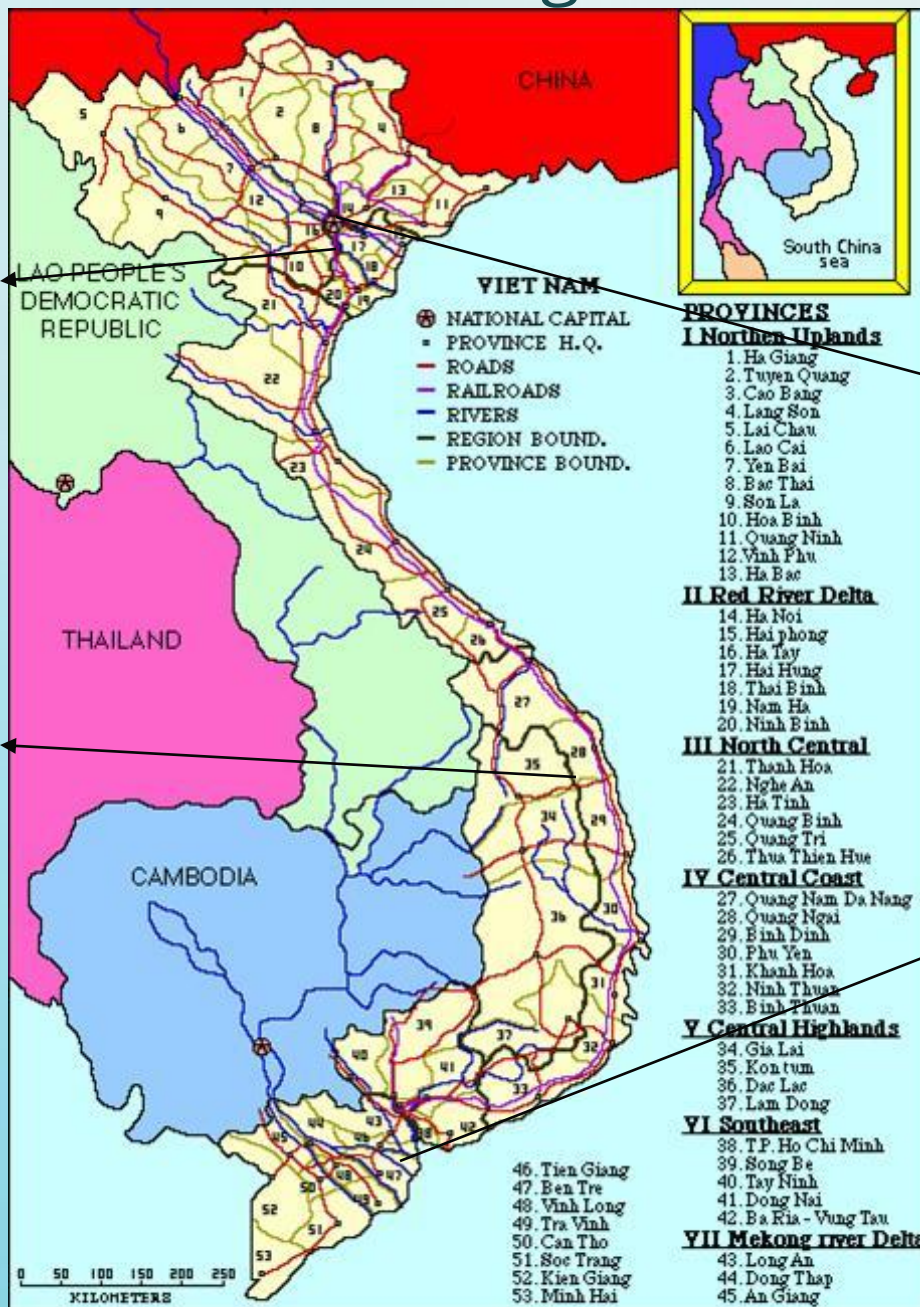
DUS Test agencies

Van lam Station
(Rice)

Quang ngai Station
(Sugarcane, watermelon...)

Tu liem Station
(Maize, some Upland
Crops-Vegetables)

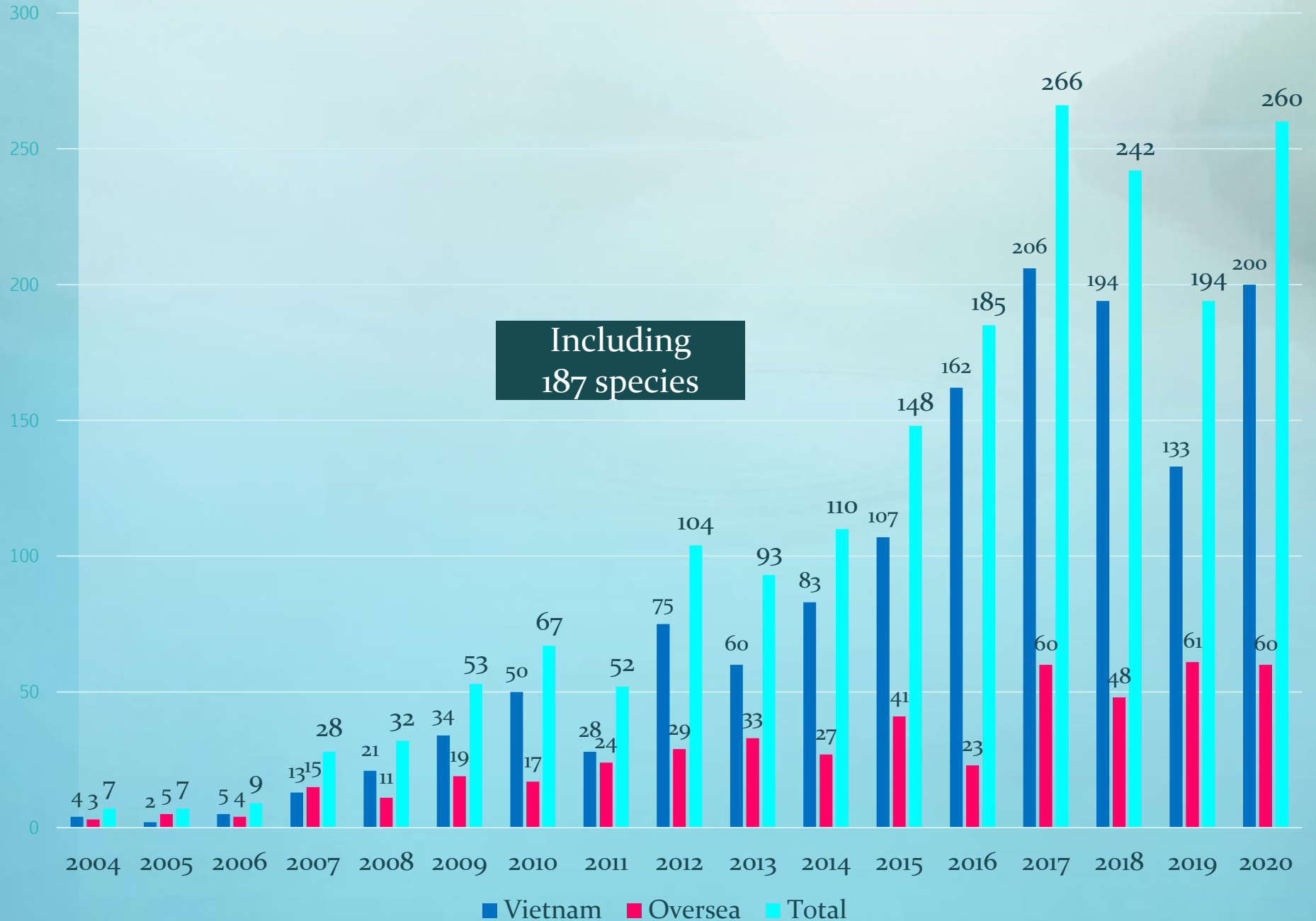
Ba ria station
(Tropical vegetables,
some upland crops)



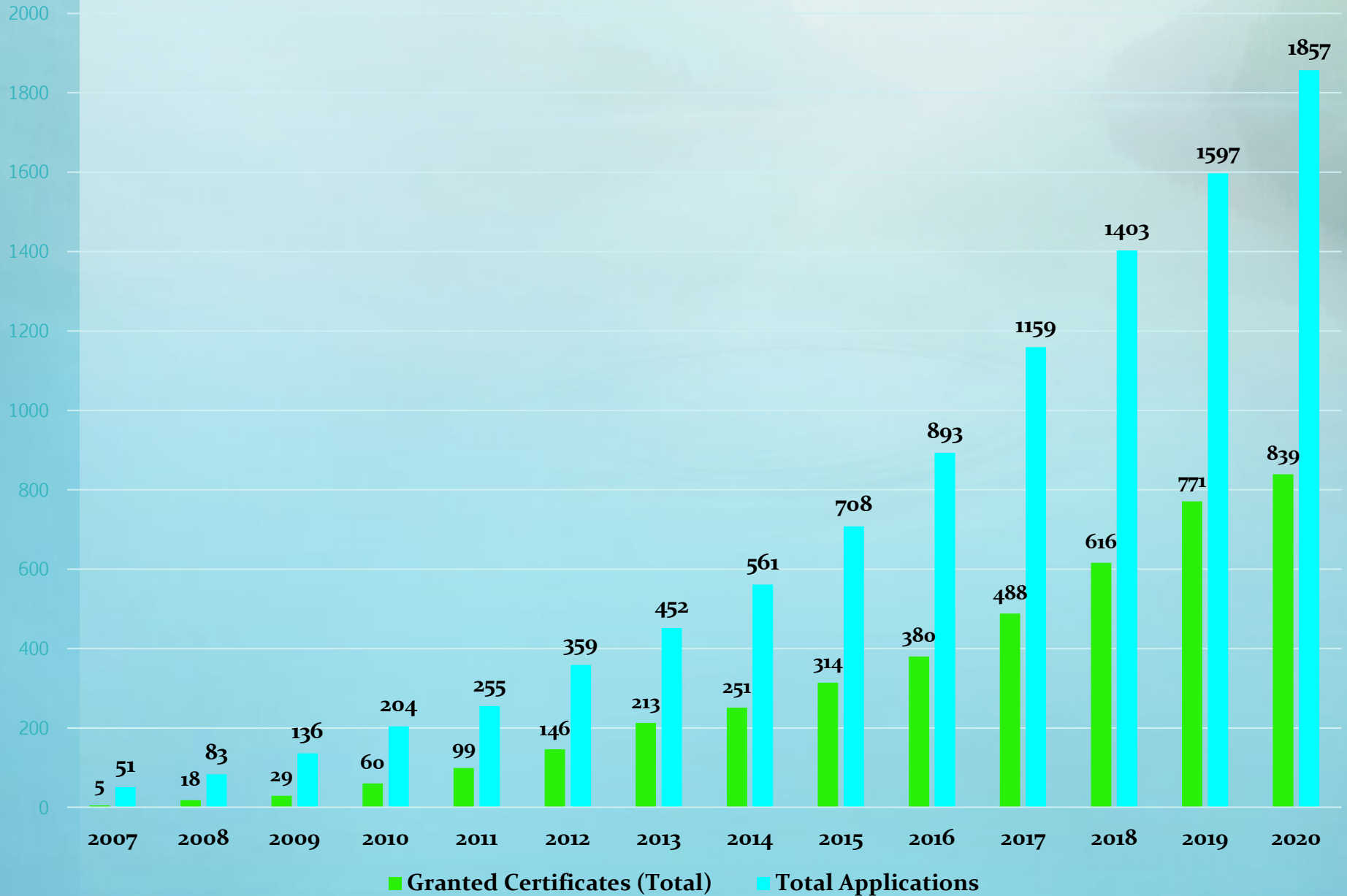
A misty, blue-toned landscape of a lake and mountains. The scene is serene and atmospheric, with soft light filtering through the haze. The water in the foreground is calm, reflecting the surrounding environment. The mountains in the background are partially obscured by mist, creating a sense of depth and tranquility. The overall color palette is dominated by various shades of blue and teal, contributing to a peaceful and contemplative mood.

▣ **PART 2: ACHIEVEMENT**

Applications by years (2004 – 2020)



Number of PBR/Applications by years (2007 – 2020)



Cooperation among UPOV's Members

- Strengthening capacity by the assistance from advanced Members
 - ✓ Japan, USA, France, the Netherlands, Denmark, Australia...

- Cooperation on examination of application
 - ✓ Japan
 - ✓ France
 - ✓ EU
 - ✓ The Netherlands
 - ✓ South Korea
 - ✓ Singapore
 - ✓ Lao PDR's
 - ✓ Taiwan

Donors and activities

Country	Content	Time
UPOV, USA,EU, Japan, France	Training in abroad, Workshop (VN and oversea)	2000 - 2005
Denmark, Japan, France	Equipment, training, workshop/seminars	2004 – 2007
EAPVP, the Netherlands Australia	Training (Overseas and in-country), equipment, Seminar/workshop	2008-2011
Japan (JICA), GNIS (France)	Training (Overseas and in-country), equipment, Seminar/workshop	2010 - 2014
UPOV, EAPVP	Training (Overseas and In – country), Seminar/Workshop	2014 - ...



MOC on mutual accepting the DUS Test reports

Country	Signing date	Photos
Japan	August, 2007 April, 2016 (free of charge)	
France	January 2011	
The Netherlands	March, 2011	
EU (CPVO)	May 2011	
Singapore	2016 VN provide DUS Testing service	<ul style="list-style-type: none"> ✓ Negotiation: Email ✓ Signing by each side then exchange through Post mail.
Korea	April, 2017	
Taiwan	December 2020	<ul style="list-style-type: none"> ✓ Negotiation: Email ✓ Signing by each side then exchange through Post mail.

To host of International Events



9th Meeting of EAPVP (Hanoi 6th September 2016)

- Harmonization on technical and administrative procedures
- Same application in region – agreed in 9th EAPVP Meeting by the Members of EAPVPF

A background image showing a calm lake reflecting the surrounding misty, forested mountains. The scene is serene and atmospheric, with soft light filtering through the fog.

▣ **PART 3: ENFORCEMENT**

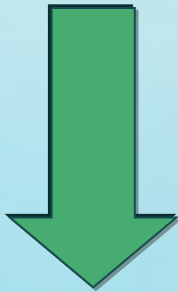
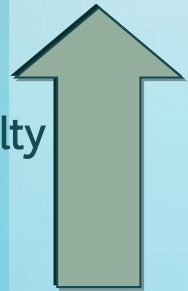
PBR



To be permitted

Protection

Royalty



Exploitation

Infringer

IP Law (Part 5), Custom Law
Civil Law
Criminal Law

Penalties depend on the level
- Administrative (Decree 172)
- Emergent, temporary Measures

Organizations in charge:
- Professional Inspector
- Custom office, police,
- Court, Procurator

Third party:
Licensing, pay
royalty to Breeder

Breeder:
Exploitation of the
right by them-self

Cancellation and Nullity the effective of PVP Cert.

Cancellation

- Effective of the Right is paused/stopped in the cases:
 - ✓ U or S no longer meet condition as granted
 - ✓ Annual fee is not paid
 - ✓ Owner does not follow request from PVPO
- ❖ Can be restored when the mistakes mentioned above is repaired

Nullity

- PVP Certificate can be nullified for the cases:
 - ✓ Owner have not right to get it
 - ✓ The variety did not meet the conditions of Novelty and Distinctness
 - ✓ The variety did not meet the conditions of U and S at the time to grant of the PVP Certificate
- ❖ Can not be restored; and
- ❖ All transactions arise from granting dates must be null and void.
- ❖ The null and void transaction shall be dealt with in accordance the Civil Law

Acts constituting an infringement of the right

The following acts shall be deemed an infringement of the rights of a protection certificate holder:

- To conduct production or propagation; To process the reproductive materials for the purpose of propagation;
- To offer the reproductive materials for sale;
- To sell the reproductive materials or to conduct other marketing activities;
- To export/ import the reproductive materials;
- To stock reproductive materials for the purposes above;
- Using a plant variety denomination that is identical or similar to a denomination protected;
- Using a protected plant variety without paying remuneration in accordance.

Remedies when dealing with acts of infringement

- Civil;
- Administrative;
- Criminal penalties;
- Others.
- Apply provisional urgent measures:
 - Retention; Seizure; Sealing; Prohibiting any alteration of the original state; Prohibiting any movement; Prohibiting transfer of ownership.
- * Border control (import/export)

Administrative

◇ Penalty authority:

- Courts, Inspectorates,
- Market management offices,
- Customs offices,
- Police offices and
- People's committees at all levels.

◇ Penalty form:

A caution;

A monetary fine (from 20 to 50 million dong)

Civil remedies

- ◇ Penalty authority: Courts
- ◇ Penalty form:
 - Compulsory termination of the infringing acts.
 - Compulsory public apology and rectification.
 - Compulsory performance of civil obligations.
 - Compulsory payment of damages for loss.
 - Compulsory destruction, distribution or use for non-commercial purposes.

Criminal penalties

- Infringement of intellectual property rights involving a criminal element shall be criminally prosecuted
- Processing agency:
- Police;
- Court;
- People Procuracy.

Thank you for your attention!

- For more information, please contact us:
 - Room No 106 – 107, A6a Ngoc ha, Ba dinh, HANOI
 - Tel (84)4.38435182/ Email: pvpo.mard.gov.vn
 - Website: pvpo.mard.gov.vn

